

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALONZO REED,

Petitioner,

No. CIV S-05-0932 FCD KJM P

vs.

D.L. RUNNELS, Warden,

Respondent.

FINDINGS & RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se, challenging the loss of good time credits stemming from a disciplinary hearing held on January 18, 2004. Plaintiff's habeas petition was filed with the court on May 12, 2005. The court's own records reveal that on November 17, 2004, plaintiff filed a petition attacking the same disciplinary hearing. (No. Civ. S-04-2480 FCD KJM P ).<sup>1</sup> Due to the duplicative nature of the present action, the court will recommend that the complaint in the action be dismissed.

In accordance with the above, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the District Judge assigned to this case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being

<sup>1</sup> A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 served with these findings and recommendations, plaintiff may file written objections with the  
2 court. The document should be captioned "Objections to Magistrate Judge's Findings and  
3 Recommendations." Plaintiff is advised that failure to file objections within the specified time  
4 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th  
5 Cir. 1991).

6 DATED: April 13, 2007.

  
U.S. MAGISTRATE JUDGE

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